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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

In re J.H. et al., Persons Coming Under  
the Juvenile Court Law.

SONOMA COUNTY HUMAN  
SERVICES DEPARTMENT,

Plaintiff and Respondent,

v.

C.H.,

Defendant and Appellant.

A155183

(Sonoma County  
Super. Ct. Nos. DEP5450, DEP5451,  
DEP5452)

C.H. (Father) appeals from the juvenile court's dispositional order making visitation with his three children contingent on his completion of four individual therapy sessions and his submission to four random drug tests that show he is clean of controlled substances. He argues the juvenile court abused its discretion in imposing these conditions on his future visitation as there was no evidence to support them. For the reasons set forth below, we dismiss the appeal as moot.

**FACTUAL AND PROCEDURAL BACKGROUND**

In early March 2018, the Sonoma County Human Services Department (Department) received a referral that Father was arrested for providing drugs and alcohol to teenage girls, taking inappropriate pictures of the girls, and touching them

inappropriately. Thereafter, the Department filed a petition pursuant to Welfare and Institutions Code<sup>1</sup> section 300, alleging Father's three children, J.H., C.H., and Jo.H., came within the jurisdiction of the juvenile court pursuant to section 300, subdivisions (b) (failure to protect), (d) (sexual abuse), and (j) (abuse of sibling). In sum, the dependency petition alleged Father had given J.H. drugs, asked J.H. to sell marijuana edibles at school, kept drugs at home that J.H. could access, took sexualized photos of J.H. and her friends, and exposed J.H. to his ongoing sexual activity with minors. The petition further alleged Father had been arrested in March 2018 for a lewd and lascivious act with a child and two counts of furnishing a minor with marijuana.

According to a jurisdictional and dispositional report, in late April 2018, B.V. (Mother) reported to the police that Father had physically harmed her several days prior, broke into their family home and took things that did not belong to him, and had contact with the children in violation of a court order. In May 2018, the Department conducted an investigation concerning Father's entry into the home and contact with the children, including allegations that he ransacked the home and kept the children captive. Subsequently, the Department filed an amended section 300 petition alleging the children came within the court's jurisdiction pursuant to section 300, subdivisions (a) (serious physical harm), (b) (failure to protect), (c) (serious emotional damage), and (d) (sexual abuse). The amended petition included allegations that Father violated a court order by going to the family home in late-April 2018, keeping the children and not allowing them to call for help, and trying to pressure them not to talk to child protective services. According to the same jurisdictional and dispositional report, Father was set to appear in May 2018 in a 19-count criminal case filed by the Sonoma County District Attorney's Office. The charges included six counts of lewd acts with minors, furnishing minors with marijuana, possession of controlled substances for sale, and selling marijuana to a minor.

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<sup>1</sup> All further statutory references are to the Welfare and Institutions Code.

At a contested jurisdictional and dispositional hearing in July 2018, the juvenile court took jurisdiction over the children after finding all of the allegations of the amended petition true. The juvenile court ultimately placed the children with Mother. As part of its dispositional orders, the juvenile court suspended Father's visitation with his children until he attended four individual therapy sessions and submitted to four random drug tests that show he is clean of controlled substances. Father appealed.

### **DISCUSSION**

Father's sole contention on appeal is that the trial court abused its discretion in conditioning his visits with his children on his attending four sessions of individual therapy and submitting to four random drug tests that are clean of controlled substances. He argues the conditions are improper because: there was no evidence he was under the influence at the single visit the Department facilitated; no evidence his interactions with the children in a supervised setting were inappropriate; and no evidence normal supervised visits would be insufficient to allay the Department's concerns. We conclude the appeal has been rendered moot by the juvenile court's subsequent orders dismissing the dependency case and modifying its visitation order as to Father.

"As a general rule, it is a court's duty to decide 'actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it.' " (In re N.S. (2016) 245 Cal.App.4th 53, 58.) Thus, "[w]hen it appears that a controversy which is the subject of [an order] from which an appeal has been taken no longer exists, it is the duty of the court to dismiss the appeal." (In re Ruby T. (1986) 181 Cal.App.3d 1201, 1204.) The critical factor in deciding mootness is whether the appellate court can grant effective relief if it finds reversible error. (In re N.S., at p. 60.) Generally, "an order terminating juvenile court jurisdiction renders an appeal from a previous order in the dependency proceedings moot." (In re C.C. (2009) 172 Cal.App.4th 1481, 1488 (C.C.).)

Here, we have taken judicial notice of orders from January 2019 showing the juvenile court dismissed the dependency cases involving Father's children and modified Father's visitation order to remove the conditions to visitation at issue in the appeal. The current visitation order as to Father states, in part: "If any of the children desire to call or visit Father while he is incarcerated, they may do so if Mother deems it in their best interest however Father may not initiate any calls to the children. If Father is released from custody, if any of the children choose to visit him, any such visits will be professionally supervised at Father's expense." These subsequent orders render the appeal moot. There is no effective relief we can provide.

Father acknowledges the appeal is moot, but requests that we issue an opinion on the merits. Father, however, does not clearly explain why he believes we should exercise our discretion as requested. He simply asserts this case is analogous to *C.C.*, *supra*, 172 Cal.App.4th 1481 and *In re Dylan T.* (1998) 65 Cal.App.4th 765 (*Dylan T.*). This court, however, "is not required to examine undeveloped claims, nor to make arguments for parties." (*Paterno v. State of California* (1999) 74 Cal.App.4th 68, 106.) Even if we were to construe Father's reference to *C.C.* and *Dylan T.* as an argument that we should reach the merits in this case because the visitation order might affect subsequent proceedings, we reject that argument. Father fails to identify any subsequent proceedings this particular visitation order could possibly affect, or to allege what the effect might be. We also disagree that *C.C.* and *Dylan T.* support consideration of the merits in this case. Unlike *C.C.* and *Dylan T.*, the juvenile court in this case did not completely deny Father visitation for a specific time. (*C.C.*, *supra*, 172 Cal.App.4th at p. 1485; *Dylan T.*, *supra*, 65 Cal.App.4th at p. 768.) Further, unlike *C.C.*, there was no similar finding of detriment to the children underlying the visitation order, and again Father does not identify or offer any argument about how the visitation order at issue could affect any subsequent proceeding. (*C.C.*, at pp. 1485, 1489.) Moreover, this case does not involve children of similar age as the child in *Dylan T.*, and there is nothing in the record that suggests the

visitation order at issue here is an issue of continuing recurrence or public importance. (*Dylan T.*, at pp. 769–770 & fn. 3.)

In light of the foregoing, we decline to exercise our discretion to issue an advisory opinion. (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1490 [it is generally not within the function of the court to give an advisory opinion on a moot, speculative, theoretical, or abstract question].)

#### **DISPOSITION**

The appeal is dismissed as moot.

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Fujisaki, J.

WE CONCUR:

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Siggins, P.J.

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Petrou, J.

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